

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

In Re:

CASE NO: 19-04512-5-DMW

TRESIA ANN TRELOAR

Debtor(s)

CHAPTER 13

AMENDED OBJECTION TO CONFIRMATION

NOW COMES, Mid East Acceptance Corporation of N.C., Inc. ("Mid East"), a duly scheduled Creditor, by and through its undersigned counsel of record, objecting to confirmation of the Debtor's Amended Chapter 13 Plan [D.E. #38] filed on December 9, 2019 and shows unto the Court:

1. That Mid East is a secured creditor with a purchase money security interest in a 2012 Jeep Patriot Sport bearing VIN 1C4NJPBB9CD580257, (hereafter "Collateral 1") which was purchased for the personal use of the Debtor within 910 days of the filing of the Debtor's petition.

2. That Mid East is a secured creditor with a purchase money security interest in a 2007 BMW 530xi bearing VIN WBANF73587CU25041, (hereafter "Collateral 2") which was purchased for the personal use of the Debtor within 910 days of the filing of the Debtor's petition.

3. That it appears that the Debtor has listed both items of Collateral in Paragraph 3.4 – Claims Excluded from 11 USC § 506 of her Plan, as amended, and both claims are scheduled to bear interest at the applicable *Till* Rate for this case of 7.0%.

4. That it is unclear and Mid East is unable to determine from the Debtor's Plan, as amended, whether the Plan payments, as proposed, are sufficient to pay Mid East's secured claims in full.

5. That it appears from the Debtor's amended Plan that she is attempting to avoid the lien of Auto Money of Dillon on her Ford F-150 truck. If the Debtor is unsuccessful in this endeavor, the proposed Plan payments will be insufficient to pay the secured claims as proposed over the life of the Chapter 13 Plan.

6. That it appears from the Debtor's petition that she is self-employed and that she has not listed any expenses for federal or state self-employment taxes.

7. That it appears that the Debtor has not listed State of North Carolina Department of Treasury as a creditor in her bankruptcy or provided it with notice of the bankruptcy filing.

8. That the List of Creditors attached to the Amended Chapter 13 Plan does not include the Internal Revenue Service or the State of North Carolina Department of Treasury or any taxing agency and does not appear to have been served on all Creditors listed on the mailing matrix for the case.

9. That it is unclear from the Debtor's petition and Amended Chapter 13 Plan whether she has filed all of the necessary income tax returns and/or provided said returns to the Chapter 13 Trustee.

10. That it is unclear whether the Debtor has or will have unpaid tax liabilities that will cause the taxing agencies to file claims in her bankruptcy and/or cause her Amended Chapter 13 Plan to become further infeasible.

11. That it is unclear from the Amended Chapter 13 Plan as to how the Debtor intends to pay her student loan debt of approximately \$56,000.00 and as to whether or not she can afford her Chapter 13 Plan payments as proposed if she intends to pay the Student Loan Creditor directly given that on her Schedules I and J her expenses exceed her income by approximately \$2,000.00.

12. That the Debtor has two (2) drivers listed in the household, but is proposing to pay for three (3) vehicles through her Chapter 13 Plan, one of which, the BMW 530 XI, she has commented in her Schedule A/B is "personal, status for client rep...", some of which clients she does yard work and deliveries for, as set forth in her description of the Ford F-150 XL Pickup Truck on her Schedule A/B.

13. That, upon information and belief, the Amended Chapter 13 Plan was not proposed in good faith.

14. That, upon information and belief, the proposed Chapter 13 Plan is not feasible as it does not provide Plan payments in an amount sufficient to pay secured claims in full over the life of the Plan.

WHEREFORE, Mid East Acceptance Corporation of N.C., Inc. prays to the Court:

1. That confirmation of the Debtor's Amended Chapter 13 Plan be denied.
2. That this matter be set for hearing.
3. For such other and further relief as to the Courts seems just and proper.

This the 2nd day of January, 2020.

/s/William F. Hill

William F. Hill

Attorney for Mid East Acceptance
Corporation of N.C., Inc.

NC State Bar No: 10929

Post Office Box 2517

Greenville, North Carolina 27836

Telephone: (252) 355-4277

Facsimile: (252) 355-2797

Email: bill.hill@wfh-law.com

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IN RE:
Tresia Ann Treloar
Debtor(s)

Case No: 19-04512-5-DMW
Chapter 13

CERTIFICATE OF SERVICE

The undersigned, of P.O. Box 2517, Greenville, North Carolina 27836, certifies:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on today's date, I electronically filed the foregoing AMENDED OBJECTION TO CONFIRMATION with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties listed below. I further certify that I have mailed the document to the non CM/ECF participants as set out below by first class mail.

I certify under penalty of perjury that the foregoing is true and correct.

This the 2nd day of January, 2020.

/s/William F. Hill

William F. Hill
State Bar No. 10929
Attorney for Mid East Acceptance
Corporation of N.C., Inc.
P.O. Box 2517
Greenville, North Carolina 27836
Telephone: 252-355-4277
Facsimile: 252-355-2797

Recipients:

Tresia Ann Treloar 300 Weatherford Drive Jacksonville, NC 28540 VIA FIRST CLASS MAIL	Joseph A. Bledsoe, III Chapter 13 Trustee P.O. Box 1618 New Bern, North Carolina 28563 VIA CM/ECF ELECTRONIC MAILING
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